

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**DARRELL WILLIAMS,**

**Plaintiff,**

**v.**

**Civil Action No. 5:20-CV-00019**

**UNITED STATES OF AMERICA, et al.,**

**Defendants.**

**DEFENDANTS' MOTION TO DISMISS OR  
IN THE ALTERNATIVE FOR SUMMARY JUDGMENT**

Now come, the Defendants, by counsel, Maximillian F. Nogay, Assistant United States Attorney for the Northern District of West Virginia, and hereby file this Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment. The Defendants respectfully request that this Court dismiss Plaintiff's pending Amended Complaint pursuant to the Federal Tort Claims Act against the United States of America [ECF No. 30] and pending *Bivens* Complaint against Randy Keyes, Francis Vankirk, Myrna Bridges, and Warden J. Coakley [ECF No. 37]. The Defendants' position in support of this Motion is more fully set forth in the accompanying Memorandum in Support thereof.

Respectfully submitted,

RANDOLPH J. BERNARD  
ACTING UNITED STATES ATTORNEY

By: /s/ Maximillian F. Nogay  
Assistant United States Attorney  
W. Va. Bar # 13445  
United States Attorney's Office  
P.O. Box 591  
1125 Chapline Street, Suite 3000  
Wheeling, WV 26003  
(304) 234-0100  
(304) 234-0112 fax  
[Max.Nogay@usdoj.gov](mailto:Max.Nogay@usdoj.gov)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 14th day of May, 2021, a copy of the foregoing MOTION has been furnished for delivery via first-class mail to the following non-CM/ECF participants:

Darrell Henry Williams (Register No. 26008-044)  
USP CANAAN  
P.O. BOX 300  
3057 ERIC J. WILLIAMS MEMORIAL DRIVE  
WAYMART, PA 18472

RANDOLPH J. BERNARD  
ACTING UNITED STATES ATTORNEY

By: /s/ Maximillian F. Nogay  
Assistant United States Attorney  
W. Va. Bar # 13445  
United States Attorney's Office  
P.O. Box 591  
1125 Chapline Street, Suite 3000  
Wheeling, WV 26003  
(304) 234-0100  
(304) 234-0112 fax  
[Max.Nogay@usdoj.gov](mailto:Max.Nogay@usdoj.gov)